

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 2:16cr 63
)	
v.)	18 U.S.C. §§ 157(1) & 2
)	Bankruptcy Fraud
SUSAN M. SPEARMAN,)	
)	
Defendant.)	

CRIMINAL INFORMATION

The United States Attorney charges that:

From on or about October 5, 2012, to on or about January 24, 2014, in the Eastern District of Virginia, defendant SUSAN M. SPEARMAN, also known as Susan Gorby, did aid, abet, induce and procure the commission of an offense against the United States, that is, bankruptcy fraud in violation of Title 18, United States Code, Section 157, in that:

1. E.O.Y. devised and intended to devise a scheme and artifice to defraud, the purpose of which was to conceal the sum of approximately \$339,660 from E.O.Y.'s debtors, and for the purpose of executing and concealing such a scheme and artifice and attempting to do so, filed a petition under Title 11 of the United States Code, as described below in Paragraphs 2-7.

2. On or about July 11, 2011, E.O.Y. filed a voluntary bankruptcy petition in Case No. 11-73305- SCS, in the United States Bankruptcy Court for the Eastern District of Virginia. The case was later dismissed on January 27, 2012.

3. On or about August 22, 2011, prior to the dismissal of the case, E.O.Y. filed a Schedule B – Personal Property schedule, which included under Paragraph 13: “Stock and interests in incorporated and unincorporated businesses.” E.O.Y. listed on that Schedule B: “153,000 shares of SIRIUS stock” with a current value of “\$350,000.00.” As of October 1,

2012, EOY owned a taxable account in J.P. Turner & Company, including 132,950 shares of Sirius stock. On or about October 3, 2012, E.O.Y. transferred \$25,000 from his Monarch Bank account to defendant SPEARMAN, which funds were deposited into SPEARMAN'S Monarch Bank account.

4. On or about October 5, 2012, E.O.Y. caused J.P. Turner & Company to sell the Sirius stock and to wire the funds to his bank account at Monarch Bank the sum of \$339,660.19. On that same date, E.O.Y. transferred from his Monarch Bank account to defendant SPEARMAN's Monarch Bank account, the sum of \$330,000.

5. On or about December 5, 2012, E.O.Y., for the purpose of executing and concealing the aforesaid scheme and artifice, filed a voluntary bankruptcy petition in Case No. 12-750028- SCS in the United States Bankruptcy Court for the Eastern District of Virginia and a Chapter 7 Trustee was appointed. During the course of the bankruptcy case, E.O.Y. never disclosed his sale of the Sirius stock and wiring of the proceeds to his bank account and subsequent transfer to SPEARMAN's account as required by the Statement of Financial Affairs.

6. On or about December 19, 2012, defendant SPEARMAN transferred the sum of \$330,000 and an additional \$20,000, for a total of \$350,000 from her account at Monarch Bank to her account with (or associated with) the Bank of New York Mellon.

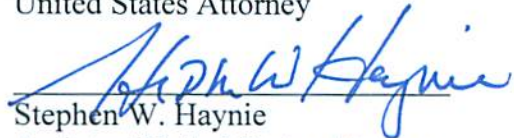
7. Between on or about December 5, 2012, to on or about January 24, 2014, E.O.Y. concealed these transactions from the Chapter 7 Trustee and the Trustee's counsel, during which time SPEARMAN disbursed at least \$310,169.01 of the \$350,000 she received from E.O.Y. to E.O.Y. or at his direction. Despite demand from the Chapter 7 Trustee's counsel, E.O.Y. failed to deliver or account for the balance.

(In violation of Title 18, United States Code, Sections 157(1) and 2.)

Respectfully submitted,

Dana J. Boente
United States Attorney

By:


Stephen W. Haynie
Assistant United States Attorney